

REMARKS

In the Office Action dated April 15, 2004, the Information Disclosure Statement was objected to. Claims 15, 21, 23, 24, 30, 44, 46, 47, 49 and 50 were rejected under the judicially created doctrine of obviousness-type double patenting. Claims 15 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Lessig et al. 5,020,186 patent (Lessig). Claims 22, 25-29, 31-43, 45, 48, 51-56 and 58-60 were objected to as being dependent on a rejected base claim. It was stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons outlined in detail below, it is respectfully submitted that the pending claims are in condition for allowance over the art of record.

In the Office Action, the Information Disclosure Statement which was filed on September 29, 2003 was objected to because applicant provided copies of Information Disclosure Statements from related applications and these Information Disclosure Statements had already been initialed. On review of the PTO-1449 forms, applicants find that the foregoing pertains to pages 1-10 of the PTO-1449 form submitted on September 29, 2003. However, pages 11-14 of that PTO-1449 form were not initialed by a previous Examiner. Also, the separate Second Information Disclosure Statement, submitted on the same date, has a Form PTO-1449 which was not initialed. Therefore, it is respectfully requested that these documents be reviewed and initialed. In response to the objection, applicants submit herewith uninitialed Form PTO-1449 documents, together with an Information Disclosure Statement and the necessary fee.

In paragraph 3 of the Office Action, it was noted that claim 15 was rejected under the judicially created doctrine of obviousness-type double patenting as being

unpatentable over claim 36 of applicant's earlier U.S. Patent No. 6,260,234. Claims 21 and 23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of applicant's earlier U.S. Patent No. 6,353,963 in view of the Yonkers 5,230,722 patent (Yonkers). Claims 21, 23 and 24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31 and 39 of a co-pending application, Serial No. 10/094,675 (allowed) in view of Yonkers. That co-pending application has now issued as U.S. Patent No. 6,735,817 dated May 18, 2004.

In paragraph 7 of the Office Action, claim 30 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 36 of applicant's earlier U.S. Patent No. 6,260,234 in view of of U.S. Patent No. 5,867,863 to McCormick (McCormick). Claims 44, 46, 47, 49 and 50 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 36 and 37 of applicant's earlier U.S. Patent No. 6,260,234 in view of Yonkers and in further view of McCormick.

However, it was stated in paragraph 2 of the Office Action that a timely filed Terminal Disclaimer may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground, provided the conflicting application or patent is shown to be commonly owned with the instant application. To that end, applicant submits herewith a Terminal Disclaimer. It is respectfully submitted that the above-mentioned rejections are thereby overcome.

More substantively, claims 15 and 57 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lessig. However, it was stated in paragraph 13 of the Office Action that, among many other claims, claim 58 was being objected to as being

dependent on a rejected base claim. It was stated that this claim would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. To that end, applicant has added the subject matter of claim 58 to claim 15. As such, it is respectfully submitted that claim 15 is now in condition for allowance over the art of record.


Similarly, claim 57, which depends from claim 15, is now also believed to be in condition for allowance over the art of record.

In view of the foregoing, it is respectfully submitted that the pending claims, namely, claims 15, 21-57, 59 and 60 are now in condition for allowance. Such allowance is earnestly solicited.

Authorization is hereby provided to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0308.

Respectfully submitted,

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